

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2728 - HB 2984

March 6, 2012

SUMMARY OF BILL: Entitles any child to a guardian ad litem for court proceedings alleging such child to be dependent and neglected or abused. Redefines “indigent” to add a person who does not possess sufficient means to pay for a guardian ad litem. Requires the court, in determining indigency to consider the financial resources of the child and the child’s parents, legal custodians, or guardians. If such individuals are able to pay a portion or all of the cost of such legal representation, but do so untimely, the court may deem such as indigency and assess an administrative fee. Authorizes a nonrefundable administrative fee of \$50, which may be increased to \$200, be assessed on the parents, custodians, or legal guardians of a child who is appointed a guardian ad litem. Authorizes the court to waive administrative fees if cases where a guardian ad litem is appointed are dismissed. Adds legal guardian, adult defender, or respondent to the available individuals against whom an administrative fee may be assessed. Willful failure to pay such administrative fee will be weighed when the court determines the appropriate disposition of the case.

Increases the information that a clerk of the court must file with the Tennessee administrative director of the courts. Requires the Administrative Office of the Courts (AOC) to pay compensation for services and related expenses for any counsel appointed by the court, including a guardian ad litem in proceedings alleging a child to be dependent and neglected or abused. Requires the Tennessee Supreme Court to prescribe a reasonable amount which shall be paid as such compensation.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT


Assumptions:

- Currently, a child in proceedings alleging that such child is dependent and neglected or abused, that does not possess sufficient financial resources to pay for legal representation, is provided with an attorney.
- Adding a guardian ad litem as an option of legal representation in such proceedings will not result in a significant fiscal impact on the state.
- Requiring the financial resources of such child’s parents, legal custodians, or guardians to be considered in determining indigency will not significantly affect the amount of fees collected from cases involving such indigent children.

- According to AOC, the provisions of this proposed legislation will have no significant impact on the number of cases in the juvenile court systems or the current operations of AOC, and can be accommodated within existing resources.
- Court clerks will be able to provide such additional information within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/jdb